

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**YATRAM INDERGIT, on behalf of himself
and all others similarly situated,**

Plaintiff,

v.

08 CV 9361 (JPO) (PGG)

**RITE AID CORPORATION, RITE AID OF
NEW YORK, INC. and FRANCIS
OFFOR as Aider & Abettor,**

Defendants.

DECLARATION OF ROBERT J. VALLI, JR.

I, ROBERT J. VALLI, JR., declare under the penalty of perjury and state as follows:

1. I am admitted to practice in this Court and a partner at VALLI KANE & VAGNINI LLP, attorneys for Plaintiff in the above-captioned cases. I submit this Declaration in Support of Plaintiff's Opposition to Defendants' Motion for Decertification.

2. Attached to this Declaration as Exhibit A is Store Manager Deposition Summary Charts in Support of Plaintiff's Opposition to Defendants' Motion for Decertification.

3. Attached to this Declaration as Exhibit B is a copy of Judge Gardephe's June 16, 2010 Memorandum Opinion granting Plaintiff's Motion for Conditional Certification in this case.

4. Attached to this Declaration as Exhibit C is a copy of Judge Pitman's March 25, 2011 decision to limit discovery to 50 store managers holding that the question of "similarly situated" for collective action under the FLSA can be determined with a representative 50 out of 1540 SM depositions.

5. Attached to this Declaration as Exhibit D is a true and accurate copy of Rite Aid's 2005 Store Manager Job Description with Approval Memo.

6. Attached to this Declaration as Exhibit E is a true and accurate copy of Rite Aid's August 2009 Exempt SM Job Description.
7. Attached to this Declaration as Exhibit F is a true and accurate copy of Rite Aid's August 2009 Non-Exempt SM Job Description.
8. Attached to this Declaration as Exhibit G is a true and accurate copy of Rite Aid's Store Management Guide.
9. Attached to this Declaration as Exhibit H is a true and accurate copy of selected pages of the Associate Atlas.
10. Attached to this Declaration as Exhibit I is a true and accurate copy of selected pages of the Store Manager Office Standards and Set-Up.
11. Attached to this Declaration as Exhibit J is a true and accurate copy of selected pages of Rite Aid's Principles of Merchandise Presentation.
12. Attached to this Declaration as Exhibit K is a true and accurate copy of selected pages of Rite Aid's Counseling/Development Form and Discipline Guidelines.
13. Attached to this Declaration as Exhibit L is a true and accurate copy of selected pages of Rite Aid's Workweek Standards.
14. Attached to this Declaration as Exhibit M is a true and accurate copy of selected pages of Rite Aid's Weekly Front-End Directives.
15. Attached to this Declaration as Exhibit N is a true and accurate copy of a Emails/SYSMs including:
 - a. N1 – Checklists
 - b. N2- Zero Counts
 - c. N3 – Overtime/Scheduling

d. N3 – Profit Planner/Planograms

e. N4 – Hiring Checklist

16. Attached to this Declaration as Exhibit O is a true and accurate copy of selected pages of the Rite Aid's Management Development Program ("MDP").

17. Attached to this Declaration as Exhibit P is a true and accurate copy of a Rite Aid's Front End Store Leadership Structure Charts.

18. Attached to this Declaration as Exhibit Q is a true and accurate copy of a Joint Stipulation where Defendants provide data for the number of exempt and non-exempt store managers in June 2009 and present.

19. Attached to this Declaration as Exhibit R are selected excerpts from the deposition of SM Thomas Astleford.

20. Attached to this Declaration as Exhibit S are selected excerpts from the deposition of SM Brian Bogash.

21. Attached to this Declaration as Exhibit T are selected excerpts from the deposition of SM Gerard Bolduc.

22. Attached to this Declaration as Exhibit U are selected excerpts from the deposition of SM Phillip Bourgeois.

23. Attached to this Declaration as Exhibit V are selected excerpts from the deposition of SM Richard Brown.

24. Attached to this Declaration as Exhibit W are selected excerpts from the deposition of SM Vincent Brown.

25. Attached to this Declaration as Exhibit X are selected excerpts from the deposition of SM Mark Dayton.

26. Attached to this Declaration as Exhibit Y are selected excerpts from the deposition of SM Martha Del Angel.

27. Attached to this Declaration as Exhibit Z are selected excerpts from the deposition of SM Vicky Dixon.

28. Attached to this Declaration as Exhibit AA are selected excerpts from the deposition of SM Peter Duran.

29. Attached to this Declaration as Exhibit BB are selected excerpts from the deposition of SM Elma Echevierria.

30. Attached to this Declaration as Exhibit CC are selected excerpts from the deposition of SM Cheryl Ensor.

31. Attached to this Declaration as Exhibit DD are selected excerpts from the deposition of SM Nicholas Gauger.

32. Attached to this Declaration as Exhibit EE are selected excerpts from the deposition of SM Brad Gerber.

33. Attached to this Declaration as Exhibit FF are selected excerpts from the deposition of SM Kay Goodloe.

34. Attached to this Declaration as Exhibit GG are selected excerpts from the deposition of SM Jared Handshoe.

35. Attached to this Declaration as Exhibit HH are selected excerpts from the deposition of SM Lucille Hulsey.

36. Attached to this Declaration as Exhibit II are selected excerpts from the deposition of SM Yatram Indergit.

37. Attached to this Declaration as Exhibit JJ are selected excerpts from the deposition of SM Gary King.

38. Attached to this Declaration as Exhibit KK are selected excerpts from the deposition of SM Brenda Kitchen.

39. Attached to this Declaration as Exhibit LL are selected excerpts from the deposition of SM James Lembezder.

40. Attached to this Declaration as Exhibit MM are selected excerpts from the deposition of Rita Lemmings.

41. Attached to this Declaration as Exhibit NN are selected excerpts from the deposition of SM Henry Lenart.

42. Attached to this Declaration as Exhibit OO are selected excerpts from the deposition of SM Kimberlyn Malone.

43. Attached to this Declaration as Exhibit PP are selected excerpts from the deposition of SM Joseph Mangino.

44. Attached to this Declaration as Exhibit QQ are selected excerpts from the deposition of SM Shiann Martin.

45. Attached to this Declaration as Exhibit RR are selected excerpts from the deposition of SM Herbert Martson.

46. Attached to this Declaration as Exhibit SS are selected excerpts from the deposition of SM Sandra McCarthy.

47. Attached to this Declaration as Exhibit TT are selected excerpts from the deposition of SM Anthony McGillivray.

48. Attached to this Declaration as Exhibit UU are selected excerpts from the deposition of SM Christopher O'Brien.

49. Attached to this Declaration as Exhibit VV are selected excerpts from the deposition of SM Michael Orlando.

50. Attached to this Declaration as Exhibit WW are selected excerpts from the deposition of SM Phil Palumbo.

51. Attached to this Declaration as Exhibit XX are selected excerpts from the deposition of SM Christopher Paul.

52. Attached to this Declaration as Exhibit YY are selected excerpts from the deposition of SM Arthur Perez.

53. Attached to this Declaration as Exhibit ZZ are selected excerpts from the deposition of SM Thomas Pletka.

54. Attached to this Declaration as Exhibit AAA are selected excerpts from the deposition of Omar Riaz.

55. Attached to this Declaration as Exhibit BBB are selected excerpts from the deposition of SM Cinda Riley.

56. Attached to this Declaration as Exhibit CCC are selected excerpts from the deposition of SM Kenneth Ruzat.

57. Attached to this Declaration as Exhibit DDD are selected excerpts from the deposition of Mohammad Saab.

58. Attached to this Declaration as Exhibit EEE are selected excerpts from the deposition of SM Jose Santos.

59. Attached to this Declaration as Exhibit FFF are selected excerpts from the deposition of SM Michael Simons.

60. Attached to this Declaration as Exhibit GGG are selected excerpts from the deposition of SM Richard Smith.

61. Attached to this Declaration as Exhibit HHH are selected excerpts from the deposition of SM Rosita Solis.

62. Attached to this Declaration as Exhibit III are selected excerpts from the deposition of SM Stephen Spencer.

63. Attached to this Declaration as Exhibit JJJ are selected excerpts from the deposition of SM Ron Tardo.

64. Attached to this Declaration as Exhibit KKK are selected excerpts from the deposition of SM Laurent Trembaly.

65. Attached to this Declaration as Exhibit LLL are selected excerpts from the deposition of SM Russell Whindom.

66. Attached to this Declaration as Exhibit MMM are selected excerpts from the deposition of SM Kyle Wilson.

67. Attached to this Declaration as Exhibit NNN are selected excerpts from the deposition of DM Rob Augustine.

68. Attached to this Declaration as Exhibit OOO are selected excerpts from the deposition of DM Mike Barrett

69. Attached to this Declaration as Exhibit PPP are selected excerpts from the deposition of DM Walt Bradford.

70. Attached to this Declaration as Exhibit QQQ are selected excerpts from the deposition of DM James Carpenter.

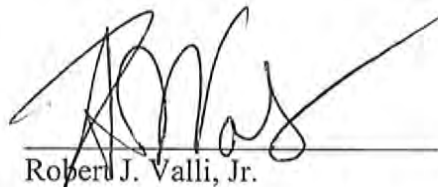
71. Attached to this Declaration as Exhibit RRR are selected excerpts from the deposition of DM Paul Johnson.

72. Attached to this Declaration as Exhibit SSS are selected excerpts from the deposition of DM John Perkins.

73. Attached to this Declaration as Exhibit TTT are selected excerpts from the deposition of DM Bill Spink.

74. Attached to this Declaration as Exhibit UUU are selected excerpts from the 30(b)(6) deposition of Kristin Crandall.

Dated: Garden City, New York
November 30, 2012



Robert J. Valli, Jr.

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